

Resolution Adopting 2018 Town of Newstead Budget

Upon a motion by Councilman _____, seconded by Councilman _____

RESOLVED, that the Town Board does hereby adopt the Town of Newstead 2018 Budget as previously filed by the Town Supervisor, and known as the Preliminary Budget with the following amendments,

Individual lines were changed as follows:

A1990.4	change	\$15,000	to	\$14,400
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Changes to Appropriated Fund Balance were as follows:

None

AND FURTHER RESOLVED, The Town Board, in accordance with New York State Town Law, section 198, issues a Letter of Authorization to enforce collection of unpaid accounts.

Dated: November 13, 2017

SUPERVISOR CUMMINGS-
COUNCILMAN JENDROWSKI-
COUNCILMAN DUGAN-
COUNCILMAN BURKE-
COUNCILWOMAN MORLACCI-

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THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN _____, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN _____

WHEREAS, the Town Board together with representatives of the Town of Amherst, Town of Clarence, Village of Akron, Village of Williamsville, Clarence Fire District #1, Eggertsville Fire District and Snyder Fire District have been negotiating a proposed new agreement with Twin City Ambulance and the Town Board together with the other listed entities has received a proposal for Pre-Hospital Emergency Medical Services from the Twin City Ambulance for a term of three years commencing on January 1, 2018 and terminating on December 31, 2020 with the option to extend for an additional two year; and

WHEREAS, pursuant to §184 of the Town Law, a public hearing is required prior to entering into a contract on behalf of a Fire Protection District.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF NEWSTEAD AS FOLLOWS:

1. That a hearing be held before the Town Board of the Town of Newstead, in the County of Erie at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:45 p.m. on the 27TH day of November, 2017, for the purpose of hearing all persons interested in the proposed contract with Twin City Ambulance for Pre-Hospital Emergency Medical Services.
2. That the Town Clerk is directed to (a) publish a notice of public hearing in the Akron Bugle, designated as the official newspaper for this publication, such publication to be not less than ten days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published
3. That the Town Clerk is to make copies of the proposed contract available at her office for inspection and distribution to any interested person during business hours.
4. This resolution shall take effect immediately

The above resolution was duly adopted at a regular meeting of the Town Board held on the 13th day of November, 2017, the results of which were as follows:

Councilman Dugan	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Councilwoman Morlacci	_____
Supervisor Cummings	_____

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN _____, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN _____

WHEREAS, the Stan Tatara previously entered into a PIP Agreement with the Town of Newstead for the Havenwood Subdivision; and

WHEREAS, pursuant to such agreement he deposited \$97,702.93 with the Town to cover the costs associated with the PIP program; and

WHEREAS, from that amount deposited, \$74,163.42 in fees were paid to cover the costs and expenses of the Town for the PIP Program leaving a remaining balance of \$23,539.51; and

WHEREAS, the Havenwood Subdivision has been completed and no additional fees or expenses are payable to the Town of Newstead so the remaining balance should be refunded to Stan Tatara.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. That the Town Board does hereby direct that the sum of \$23,539.51 be paid to Stan Tatara which sum constitutes the remaining balance of the PIP funds deposited by Stan Tatara with the Town of Newstead as part of the Havenwood Subdivision Project.
2. That the Supervisor is authorized to pay such amount to Stan Tatara.
3. This resolution shall take effect immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on November 13, 2017, the results of which were as follows:

Councilman Dugan	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Councilwoman Morlacci	_____
Supervisor Cummings	_____

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THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL _____, WHO MOVED ITS ADOPTION,
SECONDED BY _____

WHEREAS, the Town of Newstead is the owner of parcel of land along Murder Creek that was donated to the Town of Newstead in connection with the Murder Creek Stabilization Project which parcel gave the Town of Newstead access to Murder Creek from the foot of Hart Street in the Village of Akron; and

WHEREAS, the Town of Newstead has received a request from Sandra Rose to sell a small portion of that property measuring 65 feet by 27.5 feet at the very end of Hart Street to allow her to have a parking place for her vehicles; and

WHEREAS, the Town of Newstead has received a opinion as to the fair market value of such parcel of \$4,200; and

WHEREAS, as a part of the sale of the property, the purchaser has agreed to allow the Town of Newstead to retain an easement over and through the property for the purposes of maintaining access to Murder Creek.

NOW, THEREFORE, be it resolved by the Town of Newstead as follows:

- 1 The Town Board agrees to sell a parcel of land measuring 65 feet by 27.5 feet at the northern end of Hart Street in the Village of Akron to Sandra Rose for the fair market value of \$4,200, with the purchaser to pay all costs of the transaction and with the Town to retain an easement for ingress and egress through the property.
2. The Supervisor is authorized to execute a deed and other documents required in connection with this transaction.
3. This resolution shall be subject to permissive referendum.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on November 13, 2017, the results of which were as follows:

Councilman Dugan	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Councilwoman Morlacci	_____
Supervisor Cummings	_____

THE FOLLOWING RESOLUTION COMMEMORATING THE
200TH ANNIVERSARY OF THE TOWN OF AMHERST WAS
OFFERED BY COUNCILMAN _____, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN _____

WHEREAS, the Town of Amherst will be celebrating its Bicentennial in the year of 2018 and it is fitting to recognize the Town of Amherst on the occasion of this special milestone and to applaud its distinguished history; and

WHEREAS, the Town of Amherst was officially created on April 10, 1819 from part of the Town of Buffalo (later known as the City of Buffalo), has a total area of 53.28 square miles, is the largest Town in Erie County, New York and includes the Village of Williamsville as well as the hamlets of Eggertsville, Getzville, Snyder, Swormville and East Amherst; and

WHEREAS, in the nineteenth century Amherst was a prosperous farming community with seven grist mills, several saw mills, a tannery and boot and shoe factory and two forges for commercial activity centered in Williamsville; and

WHEREAS, the Town grew from being primarily a farming community to an urban community in the twentieth century with the creation of new subdivisions, the building of the University of Buffalo Campus in Amherst and the location of the Millard Fillmore Suburban Hospital within the Town; and

WHEREAS, the Town today is comprised of 125,000 residents and provides many facilities and attractions including: a four rink recreational facility that attracts national and international ice tournaments, a state of the art senior center, three libraries and a State Park; and

WHEREAS, the Town of Amherst will proudly mark its 200th Anniversary with series of celebrations throughout its Bicentennial Year, beginning on January 1, 2018 with a 200th Birthday Party and continuing with a gigantic Parade, historic walking tours, slogan contest, Interclub Service Club Luncheon and gala Bicentennial Ball; and

WHEREAS, in recognition of the Town of Amherst's rich history and enduring contributions, it is indeed an honor to pay tribute to the Town of Amherst upon the occasion of its Bicentennial.

NOW, THEREFORE BE IT RESOLVED, that congratulations are sent to the Town of Amherst on their Bicentennial and the Town and its residents are to be enthusiastically recognized as they celebrate this auspicious occasion; and be it

FURTHER RESOLVED, that a copy of this Resolution, suitably engrossed, be transmitted to the Town of Amherst Bicentennial Commission

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board of the Town of Newstead on November 13, 2017, the results of which were as follows:

Councilman Dugan	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Councilwoman Morlacci	_____
Supervisor Cummings	_____

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN _____, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN _____, TO WIT:

WHEREAS, the State of New York previously approved tax cap legislation limiting local tax increases to the lesser of 2% or the actual increase based upon the Consumer Price Index of U.S. urban areas over two consecutive 12 month periods; and

WHEREAS, the Town Board has adopted legislation each year to override the tax cap but has never exceeded the tax cap; and

WHEREAS, in 2017, the Town Board approved Local Law No. 6 of the Year 2017 to allow the Town to override the tax cap for 2018 which was established at 1.84% and did not exceed the 1.84% tax cap with the adoption of the 2018 budget; and

WHEREAS, the Town Board has now been advised that even though it did not exceed the tax cap with the 2018 budget, the Town would not be considered to be tax freeze compliant unless it repeals Local Law No. 6 of the Year 2017; and

WHEREAS, the Town Board would like to have the Town of Newstead to be considered tax freeze compliant so as to make the property owners eligible to receive real property tax freeze credits from the State of New York

WHEREAS, the Town Board has determined that the proposed action is a Type II action under the State Environmental Quality Review Act and no further action is required with respect to SEQRA; and

WHEREAS, Councilman _____ introduced the following proposed "Local Law No. 7 of the Year 2017", entitled "Local Law to Repeal Local Law No. 6 of the Year 2017" and presented a copy to each member of the Board which reads as follows:

A Local Law known as Local Law No. 7 of the Year 2017 entitled "Local Law to Repeal Local Law No. 6 of the Year 2017".

Be in enacted by the Town Board of the Town of Newstead as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 7 of the Year 2017 entitled "Local Law to Repeal Local Law No. 6 of the Year 2017 ".

SECTION 2. PURPOSE

The Town Board previously adopted Local Law No. 6 of the Year 2017 to allow the Town of Newstead to override the limits in real property taxes imposed by General Municipal Law § 3-c because the Town Board was concerned about the penalties imposed if the Town exceeded the tax cap without adopting the override local law. The Town was able to adopt a budget that did not exceed the tax cap imposed by General Municipal Law § 3-c. The Town has now been advised that even though it did not exceed the tax cap, pursuant to General Municipal Law § 3-d. 2 (a) in order for the residents of the Town to receive real property tax freeze credits under the new program enacted by the State of New York, it is necessary for the Town to repeal Local Law No. 6 of the Year 2017. This local law is specifically intended to repeal Local Law No. 6 of the Year 2017.

SECTION 3. AUTHORITY

This local law is adopted pursuant to the Municipal Home Rule Law.

SECTION 4. REPEAL OF LOCAL LAW NO. 6 OF THE YEAR 2017

Local Law No. 6 of the Year 2017 adopted by the Town of Newstead on September 25, 2017 and effective on October 5, 2017 is hereby REPEALED in its entirety.

SECTION 5. SEVERABILITY

If any section, subsection phrase, sentence or other portion of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Newstead, in the County of Erie shall be held at the Town Hall, 5 Clarence Center Road, Akron, New York at 7:55 p.m. on the 27th day of November, 2017, for the purpose of hearing all persons interested in the proposed Local Law No. 7 of the Year 2017; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing in the Akron Bugle, designated as the official newspaper for this publication, such publication to be not less than five days before the date of the public hearing; and post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published and (b) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than five days before the date of the Public Hearing; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed Local Law No. 7 of the Year 2017, entitled "Local Law to Repeal Local Law No. 6 of the Year 2017 ", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

Councilman	Dugan	Voted _____
Councilman	Burke	Voted _____
Councilman	Jendrowski	Voted _____
Councilwoman	Morlacci	Voted _____
Supervisor	Cummings	Voted _____

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN _____, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN _____, TO WIT:

WHEREAS, the State of New York by Chapter 6 of the 2007 Laws of the State of New York adopted Section 458-b of the Real Property Tax Law allowing local counties, cities, towns and villages by local law to provide a real estate exemption for Cold War Veterans who were described as a person, male or female, who served on active duty in the United States armed forces, during the period from September second, nineteen hundred forty-five to December twenty-sixth, nineteen hundred ninety-one, and was discharged or released there from under honorable conditions, which law allowed for exemptions only for a period of 10 years; and

WHEREAS, the Town Board of the Town of Newstead determined that it was in the best interest of the Town of Newstead to provide such exemptions for Cold War Veterans residing in the Town of Newstead and adopted "Local Law No. 5 of the Year 2008," entitled "Code War Veterans Law of the Town of Newstead", which law provided for an exemption for Cold War Veterans, but which exemption was limited to 10 years and which law was codified as Article VI §367-12 through §367-15 of the Code of the Town of Newstead; and

WHEREAS, the State of New York has recently enacted an amendment to Section 458-b of the Real Property Tax Law to allow for the extension of the veterans exemption beyond the 10 year period as set forth in the original law; and

WHEREAS, the Town Board believes it is in the best interest to extend the Cold War Veterans exemption beyond the 10 year period

WHEREAS, Councilman _____ introduced the following proposed "Local Law No. 8 of the Year 2017", entitled "Amendment Cold War Veterans Law of the Town of Newstead" and presented a copy to each member of the Board which reads as follows:

A Local Law known as Local Law No. 8 of the Year 2017 entitled "Amendment to the Cold War Veterans Law of the Town of Newstead".

Be it enacted by the Town Board of the Town of Newstead as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 8 of the Year 2017 entitled "Amendment to Cold War Veterans Law of the Town of Newstead".

SECTION 2. PURPOSE

The purpose of this local law is to amend Chapter 367-15 of the Code of the Town of Newstead to extend the term of the real property tax exemption previously granted to qualified Cold War Veterans in the Town of Newstead beyond the ten year period originally authorized to allow it to continue as long as they remain qualifying owners of qualifying real property.

SECTION 3. Statutory Authority.

This local law is adopted pursuant to the authority of Section 458-b of the New York State Real Property Tax Law. All definitions, procedures, terms and conditions of such statute shall apply to this local law.

SECTION 4. §367-15 C. of the Code of the Town of Newstead is amended to read as follows

C. The exemption authorized by this §367-15A of this article shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners.

SECTION 5. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof of this local law shall for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions thereof.

SECTION 6. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS;

A hearing before the Town Board of the Town of Newstead, in the County of Erie shall be held at the Town Hall, 5 Clarence Center Road, Newstead, New York at 7:40 p.m. on the 27th day of November, 2017, for the purpose of hearing all persons interested in the proposed Local Law No. 8 of the Year 2017; and

BE, IT FURTHER

ORDERED, that the Town Clerk is directed to (a) publish a notice of public hearing the Akron Bugle, designated by the Town as its official newspapers for this publication, such publication to be not less than five days before the date of the public hearing; (b) post as required by law one copy of the Notice of Public Hearing no later than the day such Notice is published; and (c) notify by mail all parties of interest pursuant to the General Municipal Law and the Town Law of the Public Hearing, not less than five days before the date of the Public Hearing and notify County Planning as required under §239-m of the General Municipal Law; and

BE, IT FURTHER

ORDERED, that the Town Clerk is to make copies of the proposed "Local Law No. 8 of the Year 2008, entitled "Amendment to the Cold War Veterans Law of the Town of Newstead", available at her office for inspection and distribution to any interested person during business hours.

The question of the adoption of the foregoing order was duly put to a roll call vote at regular meeting of the Town Board on November 13, 2017, the results of which were as follows:

Councilman Dugan	Voted _____
Councilman Burke	Voted _____
Councilman Jendrowski	Voted _____
Councilwoman Morlacci	Voted _____
Supervisor Cummings	Voted _____

Town of Newstead
**Lead Agency Declaration
Site Plan**

**Newstead Properties, LLC (MGA Research)
13311 Main Road
40,800 sq. ft. testing facility and offices with site improvements**

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMAN _____,
WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMAN _____

WHEREAS the Town of Newstead has received a site plan application from Newstead Properties, LLC (MGA Research) for construction of a 40,800 sq. ft. testing facility and offices with site improvements on a 64.7-acre parcel in the I-1 zoning district at 13311 Main Road in the Town of Newstead, and

WHEREAS the proposed action is a SEQR Unlisted action;

NOW THEREFORE BE IT RESOLVED,

The Newstead Town Board, being the most local agency with permitting authority, wishes to declare SEQR Lead Agency status and conduct a coordinated review; and be it further

RESOLVED,

That the Newstead Town Board authorizes the Building Department to coordinate the required mailings and notifications; and that this resolution take effect immediately.

The above resolution was duly put to a roll call vote on November 13, 2017, the results of which were as follows:

Supervisor Cummings-
Councilman Dugan-
Councilman Burke-
Councilman Jendrowski-
Councilwoman Morlacci-

Town of Newstead
Public Hearing
Site Plan
Newstead Properties, LLC (MGA Research)
13311 Main Road

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN _____, WHO MOVED ITS ADOPTION
SECONDED BY COUNCILMAN _____

WHEREAS Newstead Properties, LLC (MGA Research) has applied for site plan approval for construction of a 40,800 sq. ft. testing facility and offices with site improvements on a 64.7-acre parcel in the I-1 zoning district at 13311 Main Road in the Town of Newstead, and

WHEREAS the Town of Newstead is the most local agency with permitting authority,
and

WHEREAS on October 30, 2017 the Planning Board reviewed the project and recommended approval to the Town Board;

NOW THEREFORE BE IT RESOLVED

That according to Newstead Town Code section 450-85 (D) (2) the Town Board will hold a public hearing within 62 days of receipt of the Planning Board's recommendation, and such public hearing is scheduled to take place on November 27, 2017 at 7:30PM to hear comments for or against the proposed site plan.

The above resolution was duly put to a roll call vote on November 13, 2017 the results of which were as follows:

Supervisor Cummings	_____
Councilman Dugan	_____
Councilman Burke	_____
Councilman Jendrowski	_____
Councilwoman Morlacci	_____

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN _____, WHO MOVED ITS ADOPTION,
SECONDED BY COUNCILMAN _____

WHEREAS, the Town Board previously adopted a resolution establishing standard work days for respective job titles on July 9, 2012; and

WHEREAS, the Town Board has been advised by the State of New York that the Town of Newstead should update the information for elected and appointed officials and will report the days worked to the New York State and Local Employees' Retirement System; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD AS FOLLOWS:

1. The Town Board approves the hours worked per pay period as contained in the attached list and directs that the Town Clerk post the attached list for 30 days and thereafter forward a certified copy to the State Comptroller within 45 days following the adoption of this resolution.
2. This resolution shall be effective immediately.

The above resolution was duly put to a roll call vote at a regular meeting of the Town Board held on November 13, 2017, the results of which were as follows:

SUPERVISOR CUMMINGS-
COUNCILMAN DUGAN-
COUNCILMAN BURKE-
COUNCILMAN JENDROWSKI-
COUNCILWOMAN MORLACCI-